

United States District Court  
Southern District of Texas  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

JAN 27 2015

David J. Bradley, Clerk of Court

STATE OF TEXAS, et al.

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.

Defendants.

Case No. 1:14-cv-254

**MOTION FOR LEAVE TO FILE BRIEF *AMICI CURIAE* IN SUPPORT OF  
DEFENDANTS AND IN OPPOSITION TO PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

Movants respectfully request leave to participate as *amici curiae* and to file a brief in opposition to Plaintiffs' Motion for Preliminary Injunction. The movants and proposed *amici* include the mayors of thirty-three cities from across the country: Mayor Bill de Blasio of New York, New York; Mayor Eric Garcetti of Los Angeles, California; Mayor Kasim Reed of Atlanta, Georgia; Mayor Stephanie Rawlings-Blake of Baltimore, Maryland; Mayor Byron Brown of Buffalo, New York; Mayor James DiSessa of Central Falls, Rhode Island; Mayor Rahm Emanuel of Chicago, Illinois; Mayor Steve Benjamin of Columbia, South Carolina; Mayor Nan Whaley of Dayton, Ohio; Mayor Michael Hancock of Denver, Colorado; Mayor Muriel Bowser of Washington, D.C.; Mayor Riley Rogers of Dolton, Illinois; Mayor Pedro Segarra of Hartford, Connecticut; Mayor Annise Parker of Houston, Texas; Mayor Steven Fulop of Jersey City, New Jersey; Mayor Paul Soglin of Madison, Wisconsin; Mayor Betsy Hodges of Minneapolis, Minnesota; Mayor Ras Baraka of Newark, New Jersey; Mayor Libby Schaaf of Oakland,

California; Mayor Michael Nutter of Philadelphia, Pennsylvania; Mayor Bill Peduto of Pittsburgh, Pennsylvania; Mayor Charles Hales, on behalf of the City Council of the City of Portland, Oregon; Mayor Jorge O. Elorza of Providence, Rhode Island; Mayor John Dickert of Racine, Wisconsin; Mayor Tom Butt of Richmond, California; Mayor Lovely Warren of Rochester, New York; Mayor Ralph Becker of Salt Lake City, Utah; Mayor Ed Lee of San Francisco, California; Mayor Gary McCarthy of Schenectady, New York; Mayor Ed Murray of Seattle, Washington; Mayor Francis Slay of St. Louis, Missouri; Mayor Marilyn Strickland of Tacoma, Washington; and Mayor Mike Spano of Yonkers, New York. The movants and proposed *amici* also include the United States Conference of Mayors and the National League of Cities, two bipartisan organizations that support and represent mayors and cities, respectively.

Movants have submitted their proposed brief as *amici curiae* along with this motion. We have consulted with lead counsel for Plaintiffs and for Defendants in this action, and they have advised that the parties take no position on this motion.

Movants have a strong interest in participating as *amici* in opposition to Plaintiffs' request for a preliminary injunction, as America's cities are home to many of the undocumented immigrants living in the United States,<sup>1</sup> and those individuals make significant contributions to the cities in which they reside. Such immigrants share their unique talents, successes, and hard work as entrepreneurs, small business owners, and workers across many different professional and service industries. Their work not only fuels local economies, but also enriches their communities and the lives of their neighbors. Because the proposed *amici* regularly witness the substantial economic and social contributions of immigrants, including undocumented

---

<sup>1</sup> See, e.g., Migration Policy Institute, *Unauthorized Immigrant Population Profiles*, <http://www.migrationpolicy.org/programs/us-immigration-policy-program-data-hub/unauthorized-immigrant-population-profiles> (last visited Jan. 22, 2015) (follow link to review county level data on unauthorized immigrants in the U.S.).

immigrants, they support the Executive Action and support the building of stronger cities through the successful integration of immigrants into the civic, legal, and cultural fabric of our communities.

Many of the Mayors who seek leave to participate as *amici* here joined together in December, 2014, to form Cities United for Immigration Action, a coalition of cities that supports President Obama's Executive Action on Immigration and advocates for comprehensive immigration reform that will strengthen cities by keeping families together, further growing local economies, and fostering additional community trust in law enforcement and government.<sup>2</sup> Moreover, cities across the nation have long recognized the importance of immigrant integration. Cities such as Boston, Baltimore, Chicago, New York City, Philadelphia, Houston, Los Angeles, San Francisco, and Seattle have dedicated offices that support the well-being and integration of immigrants, regardless of their federal immigration status,<sup>3</sup> out of a commitment to serving and

---

<sup>2</sup> Cities United for Immigration Action, <http://citiesforaction.us/> (last visited Jan. 22, 2015) (listing steering committee members). *See also* Cities United for Immigration Action, Mayors Challenge, <http://citiesforaction.us/mayors-challenge/> (last visited Jan. 22, 2015).

<sup>3</sup> *See, e.g.*, City of Baltimore, Mayor's Office of Immigrant and Multicultural Affairs, <http://mayor.baltimorecity.gov/node/2229> (last visited Jan. 22, 2015); City of Boston, Mayor's Office of New Bostonians, <http://www.cityofboston.gov/newbostonians/> (last visited Jan. 22, 2015); City of Chicago, Office of New Americans, [http://www.cityofchicago.org/city/en/depts/mayor/provdrs/office\\_of\\_new\\_americans.html](http://www.cityofchicago.org/city/en/depts/mayor/provdrs/office_of_new_americans.html) (last visited Jan. 22, 2015); City of Houston, Office of International Communities, <http://www.houstontx.gov/oic> (last visited Jan. 22, 2015); Office of Los Angeles Mayor Eric Garcetti, Mayor's Office of Immigrant Affairs, <http://www.lamayor.org/immigrants> (last visited Jan. 22, 2015); New York City Mayor's Office of Immigrant Affairs, <http://www.nyc.gov/html/imm/html/home/home.shtml> (last visited Jan. 22, 2015); City of Philadelphia, Immigrant and Multicultural Affairs <http://www.phila.gov/ima/Pages/default.aspx> (last visited Jan. 22, 2015); City of San Francisco, Office of Civic Engagement & Immigrant Affairs, <http://sfgsa.org/index.aspx?page=957> (last visited Jan. 22, 2015); City of Seattle, Office of Immigrant and Refugee Affairs, <http://www.seattle.gov/office-of-immigrant-and-refugee-affairs> (last visited Jan. 22, 2014) .

improving the lives of all city residents. Other cities including Atlanta, Austin, Charlotte, Pittsburgh, Portland, and St. Louis have launched immigrant integration initiatives.<sup>4</sup>

Movants believe that their proposed brief as *amici curiae* will be helpful to the Court in providing a distinctive, local perspective on why a grant of preliminary injunctive relief against the President's Executive Action would be strongly contrary to the public interest—one of the four pertinent factors in evaluating a request for a preliminary injunction. The *amici* fully support the Executive Action under challenge here, which will allow eligible undocumented children and adults to apply for expanded "Deferred Action for Childhood Arrivals" ("DACA") and eligible undocumented parents of U.S. citizen and lawful permanent resident children to apply for "Deferred Action for Parental Accountability" ("DAPA"). (Dkt. No. 38, Defs.' Ex. 7.)

In their proposed brief, movants demonstrate that implementation of DACA and DAPA will fuel economic growth in cities across the country, increase public safety and public engagement, and facilitate the full integration of immigrant residents by promoting family unity and limiting family separation. These positive impacts are possible because Executive Action will permit undocumented immigrants to better reach their potential and contribute to their communities. The proposed *amici* recognize the Executive Action as a practical move that will

---

<sup>4</sup> See, e.g., City of Atlanta, *Mayor Kasim Reed and City of Atlanta Announce Results of Welcoming America Working Group*, Sept. 17, 2014, <http://www.atlantaga.gov/index.aspx?recordid=3041&page=672>; City of Austin, *Austin Promotes Immigrant-Friendly, Welcoming Environment*, June 27, 2013, <http://austintexas.gov/news/austin-promotes-immigrant-friendly-welcoming-environment>; City of Charlotte, Immigrant Integration Task Force, <http://charmeck.org/city/charlotte/cic/getinvolved/pages/immigrant-integration-task-force.aspx> (last visited Jan. 22, 2015); Office of Pittsburgh Mayor William Peduto, *Mayor William Peduto launches Welcoming Pittsburgh Initiative*, May 28, 2014, <http://pittsburghpa.gov/mayor/release?id=3112>; City of Portland, Diversity and Civic Leadership Program, <http://www.portlandoregon.gov/oni/45147> (last visited Jan. 22, 2015); *St. Louis Mosaic Project*, <http://www.stlmosaicproject.org/> (last visited Jan. 22, 2015) (city-funded regional initiative launched in 2012 to welcome immigrants to St. Louis).

allow those who qualify to participate more fully and safely in their cities and communities.

Movants respectfully seek leave to submit their brief as *amici curiae* to articulate the concrete benefits that the Executive Action will provide to their cities.

For all of the above reasons, movants respectfully request that the Court grant this motion for leave to participate as amici curiae and accept for filing the brief submitted with this motion.

Respectfully submitted,

ZACHARY W. CARTER  
Corporation Counsel  
100 Church Street  
New York, New York 10007  
(212) 356-2500  
(212) 356-2509 (f)  
*Attorney for Bill de Blasio,  
Mayor of New York*

By: Richard Dearing *by permission  
of  
Richard Dearing  
New York Registration No. 4402293  
(Pro hac vice admission pending)  
Attorney-in-charge*

MICHAEL N. FEUER  
City Attorney  
THOMAS PETERS  
Chief Assistant City Attorney  
701 City Hall East  
200 North Main Street  
Los Angeles, California 90012  
*Attorneys for the City of Los Angeles,  
acting by and through  
Los Angeles City Mayor Eric Garcetti*

CATHY HAMPTON  
City Attorney  
City of Atlanta Law Department  
55 Trinity Avenue, SW, Suite 5000  
Atlanta, Georgia 30303  
*Attorney for Kasim Reed,  
Mayor of Atlanta*

GEORGE A. NILSON  
Baltimore City Solicitor  
100 N. Holliday St.  
City Hall – Suite 115  
Baltimore, Maryland 21202  
*Attorney for Stephanie Rawlings-  
Blake, Mayor of Baltimore City, and City  
Council of Baltimore City*

TIMOTHY A. BALL  
Corporation Counsel of the City of Buffalo  
65 Niagara Sq. Room 1101  
Buffalo, New York 14202  
*Attorney for Byron W. Brown,  
Mayor of the City of Buffalo*

MATTHEW T. JERZYK  
City Solicitor  
City of Central Falls  
580 Broad St.  
Central Falls, Rhode Island 02863  
*Attorney for James Diossa,  
Mayor of the City of Central Falls*

STEPHEN R. PATTON  
Corporation Counsel  
City of Chicago Department of Law  
30 N. LaSalle Street, Suite 800  
Chicago, Illinois 60602  
*Attorney for Rahm Emanuel,  
Mayor of Chicago*

TERESA A. KNOX  
City Attorney  
City of Columbia  
1136 Washington Street  
Columbia, South Carolina 29201  
*Attorney for Steven Benjamin,  
Mayor of the City of Columbia*

JOHN C. MUSTO  
Assistant City Attorney  
City of Dayton, Ohio  
Department of Law  
101 W. Third St.  
P.O. Box 22  
Dayton, Ohio 45401  
*Attorney for City of Dayton, Ohio, and  
Nan Whaley, Mayor of the City of Dayton,  
Ohio*

D. SCOTT MARTINEZ  
City Attorney for the City  
and County of Denver  
1437 Bannock Street, Room 353  
Denver, Colorado 80202  
*Attorney for Michael B. Hancock,  
Mayor of the City and County of Denver*

RONALD R. ROSS  
Deputy Director  
Mayor's Office of Legal Counsel  
John A. Wilson Building  
1350 Pennsylvania Avenue, N.W.  
Suite 419  
Washington, D.C. 20004  
*Attorney for Muriel Bowser,  
Mayor of Washington, D.C.*

JOHN B. MURPHEY  
Rosenthal, Murphey, Coblenz & Donahue  
30 North Lasalle – Room 1624  
Chicago, Illinois 60602  
*Attorney for Riley Rogers,  
Mayor of the Village of Dolton*

HENRI ALEXANDER  
Corporation Counsel  
550 Main Street  
Hartford, Connecticut 06103  
*Attorney for Pedro Segarra,  
Mayor of the City of Hartford*

JUDITH RAMSEY  
Section Chief, General Litigation Section  
City of Houston Legal Department  
901 Bagby  
Houston, Texas 77002  
*Attorney for Annise D. Parker,  
Mayor of Houston*

JEREMY FARRELL  
Corporation Counsel  
City of Jersey City  
280 Grove Street  
Jersey City, New Jersey 07302  
*Attorney for Steven M. Fulop,  
Mayor of the City of Jersey City*

MICHAEL P. MAY  
City Attorney  
City of Madison  
210 Martin Luther King Jr. Blvd., Rm. 401  
Madison, Wisconsin 53703  
*Attorney for Paul Soglin,  
Mayor of Madison*

SUSAN L. SEGAL  
Minneapolis City Attorney  
350 South 5th Street, Room 210  
Minneapolis, Minnesota 55415  
*Attorney of Betsy Hodges,  
Mayor of Minneapolis, and  
the City of Minneapolis*

KAREN BROWN, ESQ.  
Corporation Counsel  
City of Newark, Department of Law  
920 Broad Street  
Newark, New Jersey 07102  
*Attorney for Ras Baraka,  
Mayor of the City of Newark*

BARBARA J. PARKER  
City Attorney for the  
City of Oakland  
One Frank Ogawa Plaza, Sixth Floor  
Oakland, California 95612  
*Attorney for Libby Schaaf,  
Mayor of the City of Oakland*

SHELLEY R. SMITH  
City Solicitor  
City of Philadelphia Law Department  
1515 Arch Street  
Philadelphia, Pennsylvania 19102  
*Attorney for Michael A. Nutter,  
Mayor of Philadelphia*

LOURDES SANCHEZ RIDGE, ESQ.  
Solicitor and Chief Legal Counsel  
City of Pittsburgh  
City County Building  
3rd Floor  
414 Grant Street  
Pittsburgh, Pennsylvania 15219  
*Attorney for Bill Peduto,  
Mayor of the City of Pittsburgh*

TRACY REEVE  
City Attorney  
HARRY AUERBACH  
Chief Deputy City Attorney  
430 City Hall  
1221 SW Fourth Ave.  
Portland, Oregon 97204  
*Attorneys for Charlie Hales,  
Mayor of Portland, on behalf of the City  
Council of the City of Portland, Oregon*

ADRIENNE G. SOUTHGATE  
Acting City Solicitor  
444 Westminster Street, Suite 220  
Providence, Rhode Island 02903  
*Attorney for Jorge O. Elorza,  
Mayor of the City of Providence*

ROBERT K. WEBER  
Corporation Counsel of the City of Racine  
730 Washington Ave.  
Racine, Wisconsin 53403  
*Attorney for John Dickert,  
Mayor of the City of Racine*

BRUCE REED GOODMILLER  
City Attorney  
450 Civic Center Plaza  
Richmond, CA 94804  
City of Richmond, California  
*Attorney for Tom Butt,  
Mayor of the City of Richmond, CA*

T. ANDREW BROWN  
Corporation Counsel  
Law Department  
City of Rochester  
30 Church Street, Room 400A  
Rochester, New York 14614  
*Attorney for Lovely Warren,  
Mayor of the City of Rochester*

MARGARET D. PLANE  
Salt Lake City Attorney  
City Attorney's Office  
Salt Lake City Corporation  
451 S. State Street, Ste. 505A  
Salt Lake City, Utah 84111  
*Attorney for Ralph Becker,  
Mayor of Salt Lake City*

DENNIS J. HERRERA  
San Francisco City Attorney  
City Attorney's Office  
City Hall Room 234  
One Dr. Carlton B. Goodlett Pl.  
San Francisco, California 94102  
*Attorney for Edwin Lee,  
Mayor of the City of San Francisco*

CARL G. FALOTICO  
Corporation Counsel  
105 Jay Street  
Schenectady, New York 12305  
*Attorney for Gary R. McCarthy,  
Mayor of the City of Schenectady*

M. LORENA GONZÁLEZ  
Assistant City Attorney & General Counsel  
to the Mayor of the City of Seattle  
600 4th Ave #7  
Seattle, Washington 98104  
*Attorney for Edward B. Murray,  
Mayor of the City of Seattle*

WINSTON E. CALVERT  
City Counselor  
1200 Market Street  
City Hall, Room 314  
St. Louis, Missouri 63103  
*Attorney for Francis G. Slay,  
Mayor of the City of St. Louis*

ELIZABETH A. PAULI  
City of Tacoma  
City Attorney  
747 Market Street, Room 1120  
Tacoma, Washington 98402  
*Attorney for Marilyn Strickland,  
Mayor of Tacoma*

MICHAEL V. CURTI, ESQ.  
Corporation Counsel for the City of Yonkers  
40 South Broadway, Suite 300  
Yonkers, New York 10701  
*Attorney for Mike Spano,*  
*Mayor of the City of Yonkers*

JOHN DANIEL REAVES  
General Counsel  
The United States Conference of Mayors  
1200 New Hampshire Ave., Northwest,  
Third Floor  
Washington DC 20036  
*Attorney for The United States*  
*Conference of Mayors*

CAROLYN COLEMAN, ESQ.  
Director, Federal Advocacy  
National League of Cities  
1301 Pennsylvania Avenue NW, Suite 550  
Washington, DC 20004  
*Attorney for National League of*  
*Cities*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this Motion for Leave To File Brief *Amici Curiae* in Support of Defendants and in Opposition to Plaintiffs' Motion for Preliminary Injunction was served on this date, January 27, 2015, by overnight mail to:

Andrew Stephen Oldham  
Texas Attorney General's Office  
300 West 15<sup>th</sup> Street, Suite 201  
Austin, TX 78701  
andy.oldham@texasattorneygeneral.gov

Kathleen R. Hartnett  
Kyle Renee Freeny  
U.S. Department of Justice  
Civil Division  
950 Pennsylvania Avenue, NW  
Washington, DC 20530  
kyle.freeny@usdoj.gov

Richard Dearing *by permission* KJ